

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re:
KRISJENN RANCH, LLC
Debtor

§§§§

Chapter 11

Case No. 20-50805

**KRISJENN RANCH, LLC and
KRISJENN RANCH, LLC-SERIES
UVALDE RANCH, and KRISJENN
RANCH, LLC-SERIES PIPELINE
ROW as successors in interest to
BLACKDUCK PROPERTIES, LLC,
*Plaintiffs***

V.

**DMA PROPERTIES, INC., and
LONGBRANCH ENERGY, LP,
Defendants**

Adversary No. 20-05027

DMA PROPERTIES, INC
Cross-Plaintiff/Third Party Plaintiff

V.

**KRISJENN RANCH, LLC,
KRISJENN RANCH, LLC-SERIES
UVALDE RANCH, and KRISJENN
RANCH, LLC-SERIES PIPELINE ROW,
BLACK DUCK PROPERTIES, LLC,
LARRY WRIGHT, and JOHN TERRILL
*Cross-Defendants/Third-Party
Defendants***

Adversary No. 20-05027

**KRISJENN RANCH, LLC, KRISJENN RANCH, LLC-SERIES UVALDE RANCH,
AND KRISJENN RANCH, LLC-SERIES PIPELINE ROW, AS SUCCESSORS IN
INTEREST TO BLACK DUCK PROPERTIES, LLC'S MOTION FOR LEAVE TO FILE
THEIR FIRST AMENDED ANSWER AND AFFIRMATIVE DEFENSES**

TO THE HONORABLE CHIEF BANKRUPTCY JUDGE RONALD B. KING:

COME NOW Debtors, Plaintiffs, and Counter-Defendants KrisJenn Ranch, LLC, KrisJenn Ranch, LLC-Series Uvalde Ranch, and KrisJenn Ranch, LLC-Series Pipeline Row, as successors in interest to Black Duck Properties, LLC (collectively the “Debtors”), and file this Motion for Leave to File Their First Amended Answer and Affirmative Defenses (the “Motion”) to DMA Properties, Inc. and Frank Daniel Moore’s Counterclaims and Third Party Claims (Dkt. Nos. 6 & 14).

BACKGROUND

1. DMA Properties, Inc. filed its Counterclaim and Third-Party Complaint on June 1, 2020. (Dkt. No. 5).

2. The Debtors answered DMA Properties, Inc.’s Counterclaim and Third-Party claim on June 29, 2020. (Dkt. No. 20).

3. Frank Daniel Moore filed his Counterclaim and Third-Party Complaint on June 12, 2020. (Dkt. No. 14).

4. The Debtors answered Frank Daniel Moore’s Counterclaim and Third-Party Complaints on July 6, 2020. (Dkt. No. 21).

5. Trial is currently set for December 7, 2020. (Dkt. No. 44). Minimal discovery has been conducted and a Motion for Summary Judgment is currently set for September 22, 2020.

6. Debtors now seek to amend their answer to DMA Properties, Inc.’s Counterclaim and Third-Party Complaint. A true and correct copy of their proposed First Amended Answer is attached hereto as Exhibit A.

7. Debtors now seek to amend their answer to Frank Daniel Moore’s Counterclaim and Third-Party Complaint. A true and correct copy of their proposed First Amended Answer is attached hereto as Exhibit B.

ARGUMENTS AND AUTHORITY

8. Rule 15 of the Federal Rules of Civil Procedure provides in relevant part that “. . . a party may amend the party’s pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.” FED. R. CIV. P. 15(a).

9. The United States Supreme Court has declared that Rule 15(a)’s directive that leave to amend “shall be freely given when justice so requires” is a “mandate . . . to be heeded.” *Foman v. Davis*, 371 U.S. 178, 182 (1962). The Foman court further declared that:

In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, [or] undue prejudice to the opposing party by virtue of allowance of the amendment . . .the leave sought should, as the rules require, be “freely given.”

Id. (quoting Rule 15(a)).

10. No prejudice would result from granting the relief requested in this Motion. Discovery is in its initial stages and trial is more set more than 90 days from the date on which the relief sought herein has been requested. Further, the deadline for filing for leave to amend pleadings has not passed. Accordingly, the Debtors respectfully request the Court grant leave to amend their Answers to DMA and Moore’s Counterclaims.

WHEREFORE PREMISES CONSIDERED KrisJenn Ranch, LLC, KrisJenn Ranch, LLC-Series Uvalde Ranch, and KrisJenn Ranch, LLC-Series Pipeline Row, as successors in interest to Black Duck Properties, LLC respectfully request that the Court grant its Motion for Leave to File their First Amended Answers and Affirmative Defenses to DMA Properties, Inc. and Frank Daniel Moore’s Counterclaims. Debtors further request that the Court order that the Debtors’ First Amended Pleadings, attached hereto as Exhibits A and B, be filed among the pleadings in this case and grant it any other relief to which they are entitled.

Dated: August 19, 2020

Respectfully submitted,

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ATTORNEY FOR DEBTORS

CERTIFICATE OF CONFERENCE

I hereby certify that on August 19, 2020 I conferred with counsel for DMA Properties, Inc. and Frank Daniel Moore, about the relief requested in this motion. Upon such conference, Ms. Wilson has indicated that they are opposed to the relief requested in the above motion.

/s/ Ezekiel J. Perez
Ezekiel J. Perez

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record by way of e-service through the CM/ECF system by notice of electronic filing or via email on the 19th day of August 2020:

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